

MONTANA LEGISLATIVE HISTORY

Chapter 161 19 69

Bill H 122 S _____ Original bill & history C

H. Committee on Affairs of Cities

Hearing Date(s) Jan 12 ✓C

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Date Out Jan 12 ✓C

S. Committee on Local Government

Hearing Date(s) Feb 18 ✓C

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Feb 18 ✓C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

There were no opponents present.

Witnesses were excused.

Meeting was called to order for discussion first on H.B. 127.

Mr. Fagg made a motion to amend the bill and, after discussion, withdrew his motion.

Mr. Campbell moved the bill as written "Do Pass." Motion was seconded.

The vote was unanimous.

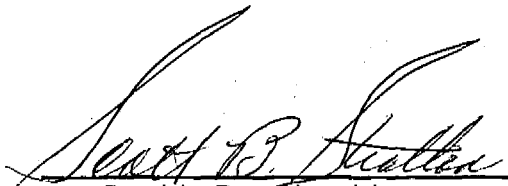
Next to be considered was H.B. 152.

After a short discussion Mr. Kendall moved the bill be amended, giving his amendment.

Discussion of the amendment followed.

The motion was seconded and the vote "Do Pass as amended" was unanimous.

There being no further business to come before the meeting it was adjourned.

 Chairman
Scott B. Stratton

The Sixteenth meeting of the Committee was called to order by Senator Thiessen, Tues., Feb. 18, on recess, in Room 410, Capitol Building.

16 TH
MEETING
2/18/69

Roll Call. Quorum present.

PRESENT

Discussion on H.B. 127 (RIGHT OF ADJACENT PROPERTY OWNERS IN SAME BLOCK TO PROTEST ZONING CHANGE) Representative Nugent explained that present statute provides that a property owner across the street or across the alley from an area for which a zoning regulation change is proposed may protest the change. This measure would allow property owners immediately adjacent on either side to protest.

H.B. 127

Dan Mizner, League of Cities and Towns, stated that the League supports the measure.

No opponents.

Discussion on H.B. 130 (STANDARDS FOR APPROVAL OF SUBDIVISION PLATS WITHIN JURISDICTIONAL AREA OF PLANNING BOARD) Representative Nugent explained that this measure provides for guidelines to be used in planning subdivisions. He introduced Glen Drake, Ass'n of City-County Planning Boards, who explained the intent of the bill - (1) To keep the authority of approval of plats with County Commissioners, but allow the city governments to review same. (2) To allow Commissioners to decide whether to accept the statutory land donations for parks, or, in cases where donated areas are too small or poorly located, to accept cash from the owner of the sub-division.

H.B. 130

Extensive amendments were proposed by the Builder's Association who objected to final authority being given to city and who found the stipulation "cash in lieu of land dedication" as either an undesirable concept or unworkable in planned unit developments.

Proponents included Dan Mizner, League of Cities and Towns, J. J. Richardson and Donald Tomlinson of Helena and Missoula Home Builders, respectively; H. Korsland, Pres. Bozeman City-County Planning Board, and Mrs. Bugbee, League of Women Voters.

Mrs. Bugbee supported the measure for the reason that it would permit and encourage city-county planning and interlocal cooperation.

Tomlinson and Korsland stipulated they supported the bill with the proposed amendments.

Upon motion of Senator Bertsche, seconded by Senator Lynch, H.B. 191 was recommended BE NOT CONCURRED IN. Motion carried.

Chairman entertained motions for disposition of the following bills: H.J.R. 26, H.Bills 127, 130, 288, 416, 31 and 123.

Upon motion of Senator Klindt, seconded by Lynch, H.J.R. 26 was recommended BE CONCURRED IN. Motion carried by voice vote.

Upon motion of Senator Northey, seconded by Goodheart, H.B. 127 was recommended BE CONCURRED IN. Motion carried by voice vote.

Upon motion of Senator Goodheart, seconded by Bertsche, H.B. 288 was recommended BE CONCURRED IN. Motion carried by roll call vote. Aye 5, No 4.

Upon motion of Senator Goodheart, seconded by Bertsche, H.B. 416 was recommended BE CONCURRED IN. Motion carried.

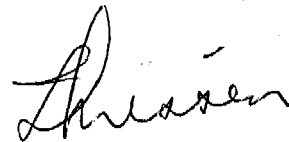
Upon motion of Senator Northey, seconded by Goodheart, H.B. 31 was recommended BE CONCURRED IN. Motion carried.

Upon motion of Senator Selstad, seconded by Bertsche, H.B. 123 was recommended BE CONCURRED IN. Motion carried.

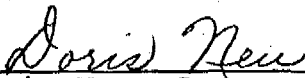
Without objection the Chairman appointed a sub-committee composed of Senators Lynch and Selstad to study the proposed amendments to H.B. 130.

The Chairman assigned the following senators to carry the bills on the floor. H.J.R. 26, Bertsche; H.B. 127, Northey; H.B. 416, Lynch; H.B. 31, Goodheart, H.B. 123, Selstad.

No other business having come before the meeting, it was, without objection, adjourned.



Senator Thiessen, Chairman



Doris Neu, Sec.

mineral oil is mined or extracted, and is a prior lien upon all personal property and improvements used in the process of extracting such natural gas, petroleum, or crude or mineral oil; provided, however, that such personal or real property is owned by or under lease by the person who extracted said natural gas, petroleum, or other crude or mineral oil.

The tax *and/or penalty* on such net proceeds may be collected, and the payment thereof enforced, by the seizure and sale of the personal property upon which the said tax *and/or penalty* is a lien, in the same manner as other personal property is seized and sold for delinquent taxes, or by the sale of the mine and improvements, as provided for the sale of real property for delinquent taxes, or by the institution of a civil action for its collection in any court of competent jurisdiction; provided, however, that a resort to any one of the methods of enforcing collection, as herein provided for, shall not bar the right to resort to either or both of the other methods, but that any two or all of the methods herein provided for may be used until the full amount of such tax *and/or penalty* is collected."

Approved: February 28, 1969.

CHAPTER 160

An Act to Amend Section 93-801-5, R.C.M. 1947, to Delete Therefrom the Words "Unless Held in a Custodial or Fiduciary Capacity or" to Authorize the Reproduction of Records Held in a Custodial or Fiduciary Capacity Subject to the Same Provisions and Restrictions as Are Applicable to Reproduction of Other Business and Public Records.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 93-801-5, R.C.M. 1947, is amended to read as follows:

Reproductions of originals.

"93-801-5. **Reproduction of originals.** If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination

thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding, whether the original is in existence or not, and an enlargement or facsimile of such reproduction is likewise admissible in evidence, if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original."

Approved: February 28, 1969.

CHAPTER 161

An Act to Amend Section 11-2705, R.C.M. 1947, to Provide That Property Owners Adjacent on Either Side Within the Same Block of an Area for Which a Zoning Regulation Change Is Proposed May Protest Against the Change.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-2705, R.C.M. 1947, is amended to read as follows: Amending clause.

"11-2705. **Changes.** Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty per centum (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred and fifty (150) feet therefrom, *or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred and fifty (150) feet from the street frontage of such*

Changes—protest by adjacent property owners.

opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the city or town council or legislative body of such municipality. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments."

Approved: February 28, 1969.

CHAPTER 162

An Act Amending Section 4-116 of the R.C.M. 1947, Eliminating the Requirement of a Signed Purchase Order on Purchase of Liquor at State Retail Liquor Stores; Provided That No Delivery Shall Take Place Until the Purchaser Has Paid the Purchase Price.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 4-116 of the R.C.M. 1947, is hereby amended to read as follows:

Provisions concerning sale of liquor and beer by vendors.

"4-116. **Provisions concerning sale of liquor and beer by vendors.** A vendor may sell to any person such liquor as that person is entitled to purchase in conformity with the provisions of this act and the regulations made thereunder, *provided that no delivery shall take place until the purchaser has paid the purchase price.*"

Approved: February 28, 1969.

CHAPTER 163

An Act to Amend Section 84-4191, R.C.M. 1947, by Increasing the Deferred Payment Interest Rate Provided Therein From Four Percent (4%) to Eight Percent (8%) Per Annum.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 84-4191, R.C.M. 1947, is amended to read as follows:

"84-4191. **Terms of sale—sale contract—deed of conveyance.** Such sale shall be made for cash or, in the case of real property, on such terms as the board of county commissioners may approve; provided, however, that if such sale is made on terms at least twenty per cent (20%) of the purchase price shall be paid in cash at the date of sale and the remainder may be paid in installments extending over a period not to exceed five (5) years and all such deferred payments shall bear interest at the rate of *eight per cent (8%) per annum.*

Terms of sale—
sale contract—
deed of
conveyance.

If a sale is made on terms, the chairman of the board of county commissioners shall execute a contract containing such terms as shall be provided by a uniform contract prescribed by the board of equalization and upon payment of the purchase price in full together with all interest which may become due on any installment or deferred payments, the chairman of the board of county commissioners shall execute a deed attested to by the county clerk to the purchaser, or his assigns, or such other instruments as shall be sufficient to convey all of the title of the county in and to the property so sold, provided that the county may in the discretion of the board of county commissioners reserve not to exceed six and one-fourth per cent ($6\frac{1}{4}\%$) royalty interest in the oil, gas, other hydrocarbons and minerals produced and saved from said land."

Section 2. This act is effective on its passage and approval.

Effective
immediately.

Approved: February 28, 1969.

CHAPTER 164

An Act to Repeal Section 81-1709, R.C.M. 1947, Requiring Lessees of Oil and Gas Leases and Assigns to Furnish Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 81-1709, R.C.M. 1947, is hereby repealed.

Repealing clause.

Approved: February 28, 1969.